

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

ROOR INTERNATIONAL BV and)
SREAM, INC.,) Case No. 19-CV-5469
)
Plaintiffs,) Judge John Robert Blakey
)
vs.)
)
COOL STUFF, INC. d/b/a)
COOL STUFF FOOD & TOBACCO)
and HARSHISH PATEL)
)
Defendants.)

DEFAULT JUDGMENT ORDER

This matter coming before the Court on Plaintiffs' Motion for Entry of Default Judgment under Rule 55(b), and after considering the prove-up materials and memorandum submitted by movant, the Court hereby finds, and it is ORDERED:

1. The Plaintiffs filed their Complaint on August 13, 2019 [Dkt. 1].
2. The Summons and Complaint was served on Cool Stuff, Inc., on October 1, 2019 [Dkt. 9].
3. The Summons and Complaint was served on Harshish Patel, on October 4, 2019 [Dkt. 10].
4. The Defendants have failed to respond to the Complaint or otherwise appear in this instant action.
5. The Court entered a Rule 55(a) default against Defendants on November 4, 2019. See Fed. R. Civ. Pro. 55(a) [Dkt. 13].

6. Plaintiffs have filed prove-up materials and a memorandum of law. [Dkt. 24 & 25].

7. In counterfeit trademark cases, the balance in setting statutory damages is providing some measure of compensation and deterrence, without crossing the line into over-deterrence. Relevant considerations include the nature and price of the product; the volume of sales (or an estimate depending on the size of the offending retail operation); any safety and health risks of the counterfeit goods; and the strength of the mark. See, e.g., *Republic Technologies (NA) LLC v. Smoke Shop for You XX, Inc.* 19 C 8462 (N.D. Ill. 2020) (Chang, J.).

8. Here, the tobacco pipe bought by the investigator was \$143.33, which is a substantial price. Also, the investigator reported there were several offending Roor pipes being offered at the location. Moreover, the Defendant is in the business of operating smoke shops, where familiarity with the brand should be known. And on default willfulness is presumed.

9. Additionally, as the court in *Smoke Shop for You XX, Inc.*, concluded, “there actually is some health concern with counterfeit products that are designed to convey vapors into the body.” *Id.*

10. Accordingly, the Court awards \$20,000.00 in statutory damages. In addition to the statutory damages, \$528.20 is awarded for costs (the filing fee and service expense). The total judgment amount is thus \$20,528.20.
A separate AO-450 judgment shall be entered.

Judgment is entered in favor of ROOR INTERNATIONAL BV and SREAM, INC., and against COOL STUFF, INC. d/b/a COOL STUFF FOOD & TOBACCO and HARSHISH PATEL, jointly and severally in the amount of \$20,528.20.

So Ordered.

Dated: August 18, 2020

Entered:


John Robert Blaney
United States District Judge